

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ALAN TRINCHERA OCAMPO,)	Case No.: 1:22-cv-1528 JLT EPG (PC)
)	
Plaintiff,)	ORDER ADOPTING THE FINDINGS AND
)	RECOMMENDATIONS AND DISMISSING THE
v.)	ACTION WITHOUT PREJUDICE
)	
NANCY GONSALEZ, et al.,)	(Doc. 4)
)	
Defendants.)	
)	
)	

Alan Trinchera Ocampo is a detainee at an immigration detention facility. On December 15, 2022, the assigned magistrate judge noted Plaintiff had not paid the required filing fee or filed a motion to proceed in forma pauperis. (Doc. 3 at 2.) Nevertheless, the magistrate judge reviewed the allegations in the complaint, and found Plaintiff failed to comply with the requirements of Rules 8, 18, and 20 of the Federal Rules of Civil Procedure. (*Id.* at 8-10.) In addition, the magistrate judge observed that Plaintiff appeared “to challenge both his criminal conviction and his current detention, which he cannot do in this civil rights action.” (*Id.* at 10; *see also id.* at 6-8.) Plaintiff was provided with the following forms from the Court: an application to proceed *in forma pauperis*, a civil rights complaint, a petition under 28 U.S.C. § 2241, and a petition under 28 U.S.C. § 2254. (*See id.* at 11.) The magistrate judge directed Plaintiff file a First Amended Complaint, file a notice of voluntary dismissal, or inform the court if he wanted to stand on his complaint within 30 days. (*Id.* at 11-12.) However, Plaintiff did not respond in any manner to the Court’s order.

1 On January 30, 2023, the magistrate judge found Plaintiff failed to comply with the Court's
2 order dated November 28, 2022; and he failed to prosecute the action. (Doc. 4 at 1-3.) Therefore, the
3 magistrate judge recommended the action be dismissed without prejudice. (*Id.* at 3.) These Findings
4 and Recommendations were served on Plaintiff on January 30, 2023. In it, the Court notified the
5 parties that any objections were to be filed within 14 days of the date of service. (*Id.* at 3.) The Court
6 also advised the parties that the "failure to file objections within the specified time may result in the
7 waiver of rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).)
8 Plaintiff did not file objections or otherwise communicate with the Court.

9 According to 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court conducted a de novo
10 review of this case. Having carefully reviewed the entire matter, the Court concludes the Findings and
11 Recommendations to be supported by the record and proper analysis. Plaintiff has not taken any
12 action since the filing of the complaint to prosecute this matter. Moreover, because Plaintiff has
13 neither paid the filing fee nor sought leave to proceed *in forma pauperis*, the matter cannot proceed
14 before the Court at this time. Thus, the Court **ORDERS**:

- 15 1. The Findings and Recommendations issued on January 30, 2023 (Doc. 4) are
16 **ADOPTED** in full.
- 17 2. This case is **DISMISSED** without prejudice.
- 18 3. The Clerk of Court is directed to close this case.

19
20 IT IS SO ORDERED.

21 Dated: **March 15, 2023**


UNITED STATES DISTRICT JUDGE